

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 564 of 2004

Thursday, this the 29th day of July, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. K.V. Kunhikannan,  
S/o late K.V. Kottan,  
Assistant,  
Central Plantation Crops Research Institute,  
Kasaragod, PO Kudlu,  
Residing at Devi House, Eriyal,  
PO Kudlu, Kasaragod. ....Applicant

[By Advocate Shri P.V. Mohanan]

Versus

1. The Secretary,  
Indian Council of Agricultural Research,  
Krishi Bhavan, New Delhi.
2. The Director,  
Central Plantation Crops Research Institute,  
Post Kudlu, Kasaragod.
3. Viswanathan Pillai K,  
Assistant Administrative Officer,  
Central Plantation Crops Research Institute,  
Kasaragod. ....Respondents

[By Advocate Shri C.N. Radhakrishnan]

The application having been heard on 29-7-2004, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN


The applicant, Assistant, Central Plantation Crops Research Institute, Kasaragod, has filed this application challenging the order Annexure A1 dated 2-9-2002 by which the 3rd respondent was promoted as Assistant Administrative Officer on the basis of a Limited Departmental Competitive Examination as also Annexure A9 communication dated 13-4-2004 of the 2nd respondent by which he has been informed that the 1st respondent has refused to interfere on his representation in

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regard to the selection to the post of Assistant Administrative Officer. It is alleged in the application that the applicant had done very well in the examination, that he stood first in the written test and was graded outstanding and therefore the selection and appointment of the 3rd respondent is arbitrary. It appears that immediately after Annexure A1 order was issued the applicant submitted Annexure A2 representation to the 2nd respondent expressing his grievance that although he had done very well somebody else has been selected, that when his representation was rejected the applicant made yet another representation (Annexure A4), which also was rejected by Annexure A5 order and that thereafter he made a representation to the 1st respondent for which the impugned reply has been given to him. According to the applicant, he has a good track record of service and has performed very well in the competitive written test as also viva voce and therefore the selection and appointment of the 3rd respondent overlooking his superior merit is not justified.

2. We have perused the materials brought on record and have heard Shri P.V.Mohanan, learned counsel of the applicant as also Shri C.N.Radhakrishnan, learned counsel of the respondents.

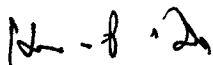
3. Learned counsel of the respondents argued that the applicant does not have any legitimate grievance which calls for redressal and that the application is barred by limitation. Shri P.V.Mohanan, learned counsel of the applicant stated that the bar of limitation is not attracted in this case as the highest authority has passed orders on the representation of the applicant only by Annexure A9 order. We have considered whether there is a legitimate grievance of the applicant which is required to be heard and adjudicated by this Tribunal.



Apart from an over confidence or wishful thinking in the mind of the applicant, though he should have stood first in the written test and viva voce, there is nothing on record which gives him any basis to form that impression. He had no opportunity to know how other persons had fared. The competent authority has made the selection. No allegation of malafides against the selecting authority or the authorities above has been made. Under these circumstances, we have no reason even to suspect that the selection process has not been held properly.

4. In the light of what is stated above, finding no cause of action which calls for admission of this application, the same is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Thursday, this the 29th day of July, 2004

  
H.P. DAS  
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN  
VICE CHAIRMAN